

## REMARKS

Claims 5 and 7 and 13 and 14 are amended to more properly define the invention by substituting the article “a” for “the.”

In the recent office action claim 14 was rejected based upon a finding that all the elements of claim 14 were found in a single reference, ECMA-267, 2d edition. Claims 1-9 and 11-13 were rejected as obvious in view of a combination of the ECMA-267 reference with a patent to Owa, US 6,687,826. Claim 10 was rejected as obvious in view of a combination of ECMA-267 reference with Owa patent US 6,687,826 and Iwasaki patent US 6,748,358.

### The Rejection Under 35 USC § 102(b) is Erroneous

Claim 14 is rejected based on a finding that ECMA-267 shows an optical disc with a preformed ID in an ATIP signal and a unique ID written to the main channel data at a known absolute sector. The rejection finds that the Annex J, SID code of ECMA-267 shows a preformed ID in an ATIP signal and Annex H, BCA of EXMA-267 shows a unique ID.

That finding is clearly erroneous. The ECMA-267 reference is a standard for a DVD read only disc. ECMA-267 Annex J makes no mention of an ATIP signal perhaps because no such signal is required for a read only device. Applicants understand that writable discs use ATIP signals to provide information about the wobble groove that the write head uses to position the laser to write information to the disc. Since the ECMA-267 disc is read only and cannot be written to, it has no need for an ATIP signal.

The rejection did not identify a location in the ECMA-267 reference where it shows an ATIP signal. Applicants performed a key word search on the ECMS-267 reference and found no instance of an ATIP signal.

The specification of the application explains that a preformed ID is located in the ATIP signal to deter copying. See the paragraph beginning on page 13, line 20. A CD-R disc of a pirate will have either no preformed ID or one different from the preformed ID of the protected disc.

### The Rejections Under 35 USC § 103(a) is Erroneous

The rejection finds that the Owa patent uses an ID to encrypt and applies Owa to the other structural and process limitations of claims 1-9 and 11-13. Iwasaki is cited to provide the computer network of claim 10.

The rejection of claims 1 and 2 is erroneous because Owa does not use two IDs to make an encryption key as required by the claims. That finding is clearly erroneous. Owa uses only one ID, the medium ID, and breaks that into two parts for his encryption system. Owa reads as follows:

The medium ID separation circuit 41 separates a medium ID into a part of 8 bits and another part of 120 bits. The part of 8 bits is taken as the medium ID1 for SPS-recording into the optical disc 1, while the part of 120 bits is taken as the medium ID2 for recording into the recording area AR2. The medium ID separation circuit 41 supplies the medium ID1 to the SPS timing signal generation circuit 42 and the medium ID2 to the recording/reproduction circuit 22.

Owa's technique of separating of one medium ID into two parts is not the same as taking two separate IDs and combining them into a third, encryption key. If the disc of ECMA-267 were used with the Owa technique, the separation circuit would divide the SID into two parts. Nothing in Owa or in ECMA-267 shows or suggests combining a separate, unique ID with a preformed ID to encrypt a disc. Owa relies only upon the preformed or medium ID. Owa divides; the invention adds.

Claim 3 is patentable for the same reasons given above for claims 1 and 2. Owa acts on only one ID, not two different IDs and reads and decrypts by reversing their encryption process to get one ID, the original medium ID. Owa starts and finishes with one ID.

Claim 4 is patentable over the art of record for the same reasons given above for claims 1 and 2. In addition, Owa does not show or suggest using the unique ID code that is recorded at an absolute sector address.

Claim 5 is patentable over the art of record. The rejection finds that Owa writes a unique ID during a second session. That finding is clearly erroneous. Owa forms a read only device, it has no ATIP signal and it has only one session. The cited appendix expressly says that BCA code is written with a YAG laser. The BCA is a

physical idicia that is imprinted on the disc after manufacture. It is not recorded in a second session because: (a) one cannot record on a DVD and (b) a DVD has no "second session." The ECMA-267 reference discloses only one session. A key word search for "second session" and for "session" yielded no hits.

Claim 6 call for a recordable area. Neither reference has a recordable area. Both reference are read only disc. Claim 6 is patentable over the art of record.

Claims 7-10 are patentable over the art of record for the reasons given above for claim 1 and 2.

Claim 11 is patentable over the art of record. That claim has two separate IDs that are combined to form an encryption key. In contrast, the Owa reference use one ID and separates it into two parts. Applicants submit that forming an encryption key from two separate IDs is unobvious in view of the reference that shows manipulating one ID into two parts.

The invention has different security compared to Owa's system. With Owa, once a hacker uncovers the medium ID is known, he can hack into the disc by dividing the medium ID into two IDs. In other words, a pirate who discovered the medium ID of Owa has all the information he need to hack the disc by manipulating the discovered medium ID. In contrast, the invention has two distinct and separate IDs. One ID is insufficient to unlock the disc.

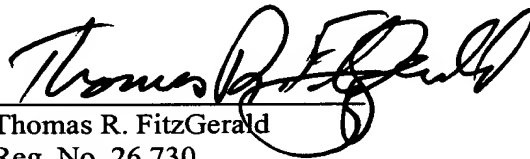
Claim 12 is patentable over the art of record on grounds that no reference applied to the claims shows a preformed ID in an ATIP signal.

Claim 13 is patentable over the art of record for the same reasons given above for claims 1 and 2.

The above remarks demonstrate that the invention as claimed is patentable over the art of record applied to the claims. A notice of allowance is respectfully requested.

Respectfully submitted,

4/5/2005  
Date

  
Thomas R. FitzGerald  
Reg. No. 26,730

Law Office of Thomas R. FitzGerald  
16 E. Main Street, Suite 210  
Rochester, New York 14614-1808  
Telephone: (585) 454-2250  
Fax: (585) 454-6364